

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
 v.) Case No.: 14-00039-01-CR-W-DW
)
)
GABRIEL S. WILLIAMS,)
)
)
Defendant.)

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on February 4, 2015. Defendant Williams appeared in person and with appointed counsel Melanie Morgan. The United States of America appeared by Assistant United States Attorney Rudy Rhodes.

I. BACKGROUND

On July 8, 2014, a superseding indictment was returned charging Defendant with two counts of being a drug user in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(3) and 924(a)(2); one count of conspiracy to distribute cocaine base, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C) and 846; two counts of possession with the intent to distribute a controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C); one count of carrying a firearm during and in relation to a drug trafficking crime, in violation of 18 U.S.C. §§ 924(c)(1)(A); and two counts of possession of marijuana, in violation of 21 U.S.C. § 844(a).

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Rhodes announced that he and David Barnes will be the trial counsel for the government. The case agent to be seated at counsel table is Detective Frank Rorabaugh.

Ms. Morgan announced that she will be the trial counsel for Defendant Williams. Christine Swann will assist.

III. OUTSTANDING MOTIONS

Defendant's motion in limine (Doc. No. 17) is currently pending.

IV. TRIAL WITNESSES

Mr. Rhodes announced that the government intends to call 25 witnesses without stipulations or 18 witnesses with stipulations during the trial.

Ms. Morgan announced that Defendant Williams does not intend to call any witnesses during the trial. Defendant may testify.

V. TRIAL EXHIBITS

Mr. Rhodes announced that the government will offer approximately 25 exhibits in evidence during the trial.

Ms. Morgan announced that Defendant Williams will not offer any exhibits in evidence during the trial.

VI. DEFENSES

Ms. Morgan announced that Defendant Williams will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Ms. Morgan stated this case may be for trial.

VIII. STIPULATIONS

Stipulations are likely as to chain of custody, chemist's reports and the interstate nexus of the firearm.

IX. TRIAL TIME

Counsel were in agreement that this case will take 2 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed June 17, 2014, counsel for each party file and serve a list of exhibits he/she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by February 4, 2015;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, February 18, 2015;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions¹ by or before noon, Wednesday, February 18, 2015. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. UNUSUAL QUESTIONS OF LAW

Defendant will likely file motions in limine to exclude evidence of domestic violence and Rule 404(b) evidence.

XII. TRIAL SETTING

All counsel and Defendant were informed that this case will be listed for trial on the joint

¹Counsel in all cases assigned to be tried before Judge Fernando Gaitan, Jr., as reflected in the trial letter, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov by February 20, 2015. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.

criminal jury trial docket which commences on February 23, 2015. The parties request the second week of the docket due to conflicts.

/s/ *Robert E. Larsen*
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
February 4, 2015
cc: Mr. Kevin Lyon